IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 13878 of 2004(B)

PETITIONER:

M. RAJA MOHAMMED, JOINT MANAGING
DIRECTOR, M/S. N.V.K. MUHAMMED SULTHAN,
RAWTHER & SONS (P) LTD., DINDIGAL,
TAMIL NADU.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.THAJUDEEN
SMT.RESHMI POULOSE

RESPONDENTS:

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1. THE GOVT.OF KERALA REPRESENTED BY
SECRETARY, HEALTH DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE SECRETARY TO GOVERNMENT,
LOCAL ADMINISTRATION DEPARTMENT,
TRIVANDRUM.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.13878/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE COMPLAINT FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPALAM DT. 25-10-99

EXT.P2. TRUE COPY OF THE REPORT BY THE PUBLIC ANALYST DT. 12-4-99

EXT.P3. TRUE COPY OF THE CERTIFICATE OF TEST BY THE CENTRAL FOOD LABORATORY DT. 8-2-2000

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)No. 13878 of 2004

Dated this the 2nd day of April, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

i) Declare that the respondents or their officers have no authority to exercise their powers derived from the Prevention of Food Adulteration Act, 1954 and the Rules thereunder, in respect of the 'Roja Supari' manufactured by the petitioner's firm.

ii) to issue a writ of mandamus or any other writ, order or direction directing the respondents and its officers, not to register criminal complaints in respect of 'Roja Supari' under the Prevention of Food Adulteration Act, alleging that the sacharine content is more than the permissible limit until the report of Central Food Laboratory, in respect of the samples collected is suggesting such a thing.

It is seen from the counter affidavit that the sample taken from the petitioner was found to be adulterated and only on the basis of the report of the Public Analyst, steps for prosecution were launched. The writ petition is hence dismissed.

(KURIAN JOSEPH, JUDGE)

ahg.